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APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provic y local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiat he civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

l. (a) PLAINTIFFS RO	MAN ZHUIKO	DEFENI	DEFENDANTS UNITED RECOVERY SYSTEMS, LP					
(c) Attorney's (Firm Name, A	First Listed Plaintiff BUCKS (CEPT IN U.S. PLAINTIFF CASI ddress, and Telephone Number) Perth Avenue, Suite 101, Narberth,	ES) Andrew M. Milz, Esq.,		(IN E: IN LAND CON LAND INVO	rst Listed Defendant N.U.S. PLAINTIFF CASES ONDEMNATION CASES, USINDLYED.	*	OF THE	
II. BASIS OF JURISDI	CTION (Place an "X" in One	Box Only)	. CITIZENSHI	P OF PRIN	CIPAL PARTIES(F	Place an "X" in One	Box for l	Plaintiff
□1 U.S. Government Plaintiff □2 U.S. Government	4 Diversity	J.S. Government Not a Party)		of Busin en of Another State 2 2 Incorpor		and One Box for ted or Principal Place ss In This State ted and Principal Place		DEF 4
Defendant	(Indicate Citizenship o	or Parties in Item III)	Citizen or Subject of Foreign Country	a 🔲 3	3 Foreign Nation	Another State	□ 6	□ 6
IV. NATURE OF SUIT	Name and the same	,	,				317.270.0	
CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	□ 315 Airplane Product Liability □ 320 Assault. Libel & Slander □ 330 Federal Employers* Liability □ 340 Marine □ 345 Marine Product Liability □ 350 Motor Vehicle □ 355 Motor Vehicle Product Liability □ 360 Other Personal Injury CIVIL RIGHTS □ 441 Voting □ 442 Employment □ 443 Housing/ Accommodations □ 444 Welfare □ 445 Amer. w/Disabilities -	PERSONAL INJURY 362 Personal Injury - Med. Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITIONS 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights	GORFEITURE/PEN G10 Agriculture G20 Other Food & G25 Drug Related of Property 21 G30 Liauor Laws G40 R.R. & Truck G50 Airline Regs. G60 Occupational Safety/Health G90 Other LABO 710 Fair Labor St Act 720 Labor/Mgmt. & Disclosure / 740 Railway Labo 790 Other Labor 791 Empl. Ret. In Security Act G10 Agriculture G10 Agriculture	& Drug Seizure USC 881 Relations Reporting Act Or Act Litigation C.	BANKRUPTCY 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609	OTHER ST □ 400 State Reap □ 410 Antitrust □ 430 Banks and □ 450 Commerce □ 460 Deportatic □ 470 Racketeer	Banking Influence Janization Credit TV Service Commod Challeng 0 utory Act ail Acts Stabiliza ental Mat location of Informa	ed and is lities/e tions ition Act iters Act ation
☑1 Original ☐2	_	_	einstated or 5	Fransferred from another district (specify)		Appeal to Distr Judge from Ma Judgment		
VI. CAUSE OF ACTION	Cite the U.S. Civil Statute Brief description of cause:			dictional statu	tes unless diversity):			
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CUNDER F.R.C.P. 23	CLASS ACTION	DEMAND \$		ECK YES only if demand RY DEMAND: ⊠ Yes			
VIII. RELATED CASE(S) IF ANY DATE	(See instructions):	JUDGE SIGNATURE OF ATTOM	MEY OF RECORD	DOC	KET NUMBER			
7/31/13		and	n	P_				
RECEIPT# AN	MOUNT	APPLYING IFP	/	JUDGE	MAG, JUD	GE		

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by w, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the lerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed he attorney filing a case should complete the form as follows:

- (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only e full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving oth name and title.
- (b) County of Residence. For each civil case filed, except U. S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time o ling. In U. S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, thounty of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in is section "(see attachment)".
- **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

nited States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

nited States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

ederal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to th onstitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and bo or 2 should be marked.

iversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the fferent parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

- I. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section reach principal party.
- V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select emost definitive.
- . Origin. Place an "X" in one of the seven boxes.

riginal Proceedings. (1) Cases which originate in the United States district courts.

emoved from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for moval is granted, check this box.

emanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

einstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

ransferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict tigation transfers.

lultidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is necked, do not check (5) above.

ppeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Lause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes nless diversity.

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

II. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

emand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

iry Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

III. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and e corresponding judge names for such cases.

ate and Attorney Signature. Date and sign the civil cover sheet.

APPENDIX I

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

ROMAN ZHUIKO

: CIVIL ACTION

		V	:			
UNITEI	ED RECOVERY SYSTEMS, LP : NO.					
plaintif filing th side of designa the pla	If shall complete and some complaint and some this form.) In the stion, that defendation in tiff and all other	case Management Track Do erve a copy on all defendants e event that a defendant do nt shall, with its first appear	esignations. (See § sees not rance, so	eduction Plan of this court, co on Form in all civil cases at the 1:03 of the plan set forth on the agree with the plaintiff regar about to the clerk of court and designation form specifying the	ne tim he rev ding d serv	ne of verse said e on
SELEC	CT ONE OF THE	FOLLOWING CASE MANA	AGEME	ENT TRACKS:		
(a)	Habeas Corpus – C	Cases brought under 28 U.S.C.	§2241 t	hrough §2255.	()
(b)	Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits)
(c)	Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X					
(d)	Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.)
(e)	commonly referred	ent – Cases that do not fall into to as complex and that need severse side of this form for a co	special o	r intense management	()
(f)	Standard Managem	nent – Cases that do not fall in	to any o	ne of the other tracks.	()
$\frac{7/3}{\text{Date}}$	1/13 Ar	ndrew M. Milz Attorney at Law	2	Attorney for Plaintiff	()
(610) 82 Teleph (Civ.660)	one	10) 667-0552 Fax Number		Amilz@consumerslaw.com E-Mail Address	<u>ı</u>	

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UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FO assignment to appropriate calendar. Address of Plaintiff: 350 Laurel Oaks Drive, Langhorne, PA 19047	ORM to be used by counsel to indicate the category of the case for the purpose of
Address of Defendant: 5800 North Course Drive, Houston, TX 77072	
Place of Accident, Incident or Transaction;350 Laurel Oaks Drive, Langhorne, l	PA 19047 (Use Reverse Side For Additional Space)
Does this civil action involve a nongovernmental corporate party with any parent corporate that two copies of the Disclosure Statement Form in accordance with Fed.R.Civ	
Does this case involve multidistrict litigation possibilities?	Yes No 🛛
RELATED CASE, IF ANY:	
Case Number: Judge	Date Terminated:
Civil cases are deemed related when yes is answered to any of the following $_{\tt questi}$	ons:
ly ls this case related to property included in an earlier numbered suit pending or	within one year previously terminated action in this court? Yes No No
2. Does this case involve the same issue of fact or grow out of the same transacti action in this court?	on as a prior suit pending or within one year previously terminated Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or	any earlier numbered case pending or within one year previously
terminated action in this court?	Yes □ No ⊠
(Check approp	B. Diversity Jurisdiction Cases: 1.
Relief other than monetary damages is sought	
DATE:	
Attorney-at-Law	Attorney I.D.
NOTE: A trial dc novo will be a trial by jury or	aly if there has been compliance with F.R.C.P. 38.
I certify that, to my knowledge, the within case is not related to any case now as noted above. DATE: 1/31/13 Attorney-at-Law	pending or within one year previously terminated action in this court except 2077/\(\sum_{\text{Attorney I.D.}}\)

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROMAN ZHUIKO 350 Laurel Oaks Drive Langhorne, PA 19047

Plaintiff,

VS.

CIVIL ACTION

UNITED RECOVERY SYSTEMS, LP 5800 North Course Drive Houston, TX 77072

Defendants.

NO.

COMPLAINT

I. <u>INTRODUCTION</u>

- 1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 ("FDCPA").
- 2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.
- 3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

II. <u>JURISDICTION</u>

- 4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §\$1331 and 1337.
- 5. Venue is proper as defendant regularly does business in this district and has caused harm in this district.

III. PARTIES

- 6. Plaintiff Roman Zhuiko ("Plaintiff" or "Zhuiko") is a consumer who resides in Langhorne, Pennsylvania at the address captioned.
- 7. Defendant United Recovery Systems, LP ("Defendant" or "URS") is a nationwide debt collector with a principal place of business at the address captioned.
- 8. Defendant regularly engages in the collection of consumer debts using the mails and telephone.
 - 9. Defendant regularly attempts to collect consumer debts alleged to be due another.
- 10. Defendant is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

IV. STATEMENT OF CLAIM

- 11. On or about November 26, 2012, Defendant URS mailed a collection notice to Plaintiff in an attempt to collect a consumer debt alleged due. A copy of the November 26, 2012 letter is attached hereto as Exhibit A (redacted in part per Fed. R. Civ. 5.2).
 - 12. The collection letter was mailed by URS to Plaintiff in a window envelope.
- 13. Visible through the window of the envelope placed into the mails was Plaintiff's financial account number of the URS account that Defendant was attempting to collect from Plaintiff: "XXXX5043." (Ex. "A"). The financial account number that URS made visible through the glassine window is not permitted under Fed R. Civ. P. 5.2 to be reproduced in this pleading, and is thus redacted to all but the last four digits. (*See* Ex. "A").
- 14. The financial account number constitutes personal identifying information; it is a unique personal identifier linking Plaintiff to the account Defendant is attempting to collect.

2

- 15. Section 1692f of the FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, including the use of any language or symbol other than the debt collector's name (only if it does not indicate the entity is in the debt collection business) or address on any envelope when communicating with a consumer by mail.
- 16. Disclosure of account numbers in the public realm violates conventions of privacy and privacy protections in federal laws including the Gramm Leach Bliley Act and FTC Rules.

COUNT I

(FAIR DEBT COLLECTION PRACTICES ACT)

- 17. Plaintiff repeats the allegations contained above as if the same were here set forth at length.
- 18. The acts by Defendant described above violated the Fair Debt Collection Practices Act by the use of language or a symbol other than the debt collector's name (only if it does not indicate the entity is in the debt collection business) or address on any envelope when communicating with a consumer by mail, in violation of 15 U.S.C. § 1692f, § 1692f(8).

WHEREFORE, Plaintiff Roman Zhuiko demands judgment against Defendant United Recovery Systems, LP, for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

VII. JURY DEMAND

Pursuant to Fed.R.Civ.P. 38, Plaintiff demands trial by jury as to all issues so triable.

DATE: 7/31/13

Respectfully submitted:

ANDREW M. MILZ CARY L. FLITTER

THEODORE E. LORENZ Attorneys for Plaintiff

FLITTER LORENZ, P.C.

450 N. Narberth Avenue, Suite 101 Narberth, PA 19072 (610) 822-0782

EXHIBIT "A"

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5800 North Course Drive Houston, Texas 77072

November 26, 2012

Address Service Requested

#BWNFTZF# 2112# լկիլկիլիթիվունդիրընդիկք¤իվինիդինիկիկիսիուիլ

5043 Roman Zhuiko 350 LAUREL OAKS DR **LANGHORNE PA 19047-8528**



Creditor: Capital One Bank (USA), N.A. Account No.: XXXXXXXXXXXXXX0705

Amount Due: \$

Telephone: 866-768-4068, ext 4987 Call our office 24 hours per day.

Account Number Masked for Your Security

United Recovery Systems, LP P.O. Box 722929 Houston, TX 77272-2929 ովիովիեր Այիլիեցի գոկիկ հիրակնդի բանին ինիկի

Please detach at perforation and return with your payment.

CAN YOU MAKE PAYMENTS?

During these difficult economic times, we realize that you may not have the funds to pay your balance in full at this time. We encounter situations like this daily and would like to work with you to establish a repayment plan.

Our client, Capital One Bank (USA), N.A., advises us that they will allow us to extend a payment plan on your balance due. To discuss this opportunity call our toll free number within the next ten (10) business days.

We want to work with you. This offer is a courtesy to assist you in fulfilling your obligation. This is an opportunity which should not be overlooked. Call us so we can set up the details of your individual payment plan. Please call MRS W WHITE, at 866-768-4068, ext. 4987.

This communication is from a debt collector. We are required to inform you that this is an attempt to collect a debt, and any information obtained will be used for this purpose.

Sincerely,

United Recovery Systems, LP P.O. Box 722929 Houston, TX 77272-2929

Date: November 26, 2012

Creditor: Capital One Bank (USA), N.A. Account No.: XXXXXXXXXXXXX0705

URS No: 5043 Amount Due: \$

Telephone: 866-768-4068, ext 4987 Call our office 24 hours per day.

Account Number Masked for Your Security